

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF PUERTO RICO

LUIS ADAMES MILAN and MARIA MOLINA and the conjugal partnership between and Adames and Molina;  
CARLOS ALMEYDA RIVERA;  
GISELLA ALVARADO;  
MIRIAM ALVAREZ CORTES;  
SONIA BAEZ RIVERA;  
LIZZENID CABASSA SOTO;  
LUIS O. CAJIAGAS LOPEZ;  
FRANCIS CARDONA LUGO and NANCY LOPEZ and the conjugal partnership between and Cardona and Lopez;  
JOSE COLON CRUZ;  
ABDIAS CORDERO RIVERA;  
ELIEZER CORDERO ORTIZ and LOAISA MORALES and the conjugal partnership between Cordero and Morales;  
LUIS A CRESPO GERENA and SONIA CHACON and the conjugal partnership between Crespo and Chacon;  
ALLAN CRUZ ROMAN;  
ERICA CRUZ RODRIGUEZ and PEDRO PEREZ and the conjugal partnership between Cruz and Perez;  
JAIME CRUZ PEREZ and CARMEN LEON and the conjugal partnership between Cruz and Leon;  
TOMAS CRUZ MORALES and CARMEN CRUZ and the conjugal partnership between Cruz and Cruz;  
SUZETTE DAVIS and JOEL VALENTIN and the conjugal partnership between Davis and Valentin;  
ROBINSON DE LA CRUZ LOPEZ and EVELYN NIEVES and the conjugal partnership between De La Cruz and Nieves;  
LORRAINE DOMENECH DELGADO;  
JUAN DIAZ GONZALEZ and LISSETTE CABRERA and the conjugal partnership between Diaz and Cabrera;  
MAX DIAZ CARDONA and GLENDALIZ

Civil No: 05-1377 (DRD)

**DEMAND FOR JURY TRIAL**

**GALARZA** and the conjugal partnership  
Between **Diaz** and **Galarza**;  
**ROSENDO ESPADA**;  
**AMALIA FELICIANO RABELO** and  
**ANIBAL LUGO** and the conjugal partnership  
between **Feliciano** and **Lugo**;  
**HECTOR FELICIANO** and **MARISOL NIEVES** and the conjugal partnership between  
**Feliciano** and **Nieves**;  
**YOVANDAVID FERRAO**;  
**CARLOS FIGUEROA MOYA**;  
**ELIEZER FUENTES** and **MARISOL C. ACOSTA** and the conjugal partnership between  
**Fuentes** and **Acosta**;  
**PAOLO GALERA**;  
**PEDRO GARRIGA TORRES**;  
**IDALI GOMEZ ROMAN** and **CARMELO SUAREZ** and the conjugal partnership  
between **Gomez** and **Suarez**;  
**HELENA GONZALEZ VALENTIN**;  
**JAVIER GONZALEZ ECHEVARRIA** and  
**ANA VELEZ** and the conjugal partnership  
between **Gonzalez** and **Velez**;  
**JOSE GONZALEZ ROSARIO**;  
**JAIME GUEITS ORTIZ**;  
**BILLY HERNANDEZ LOPEZ**;  
**EVELYN HERNANDEZ JIMENEZ** and  
**MICHAEL ROMAN** and the conjugal  
partnership between **Hernandez** and **Roman**;  
**CARMEN HERNANDEZ NIEVES**;  
**EDGAR HERNANDEZ** and **BEATRIZ HERNANDEZ** and the conjugal partnership  
between **Hernandez** and **Hernandez**;  
**PEDRO HERNADEZ AVILES**;  
**DALIXA HERNANDEZ VALENTIN**;  
**JOY LABOY CINTRON**;  
**IRMA MALDONADO TORRES** and  
**JUAN GARCIA** and the conjugal partnership  
between **Maldonado** and **Garcia**;  
**EDIBERTO MELENDEZ ORTIZ**;  
**MARISOL MELENDEZ** and **VICTOR VARGAS** and the conjugal partnership  
between **Melendez** and **Vargas**;  
**CONRAD MERCADO VARGAS** and  
**NOEMI TORRES RONDA** and the  
conjugal partnership between **Mercado**

and **Torres**;  
**BERTA NUNEZ RENTAS** and **LUIS MARTINEZ** and the conjugal partnership between **Nunez** and **Martinez**;  
**JOHN PADIN GARCIA** and **NYDIA ACEVEDO** and the conjugal partnership between **Padin** and **Acevedo**;  
**MIGUEL PAGAN QUIJANO** and **MARTA RIVERA** and the conjugal partnership between **Pagan** and **Rivera**;  
**AMADOR PEREZ BOCANEGRA** and **MILAGROS PEREZ** and the conjugal partnership between **Perez** and **Perez**;  
**DAVID PEREZ RODRIGUEZ** and **MILDRED SANCHEZ** and the conjugal partnership between **Perez** and **Sanchez**;  
**ISRAEL PEREZ FIGUEROA**;  
**SHEYKA PEREZ BAEZ**;  
**VICENTE MARRERO**;  
**JOSE L. MARTINEZ** and **MARISBELLE GONZALEZ** and the conjugal partnership between **Martinez** and **Gonzalez**;  
**MARIAN QUINONES MELENDEZ**;  
**CARLOS RAMIREZ CASTRO** and **LISBEL VILLAFANE** and the conjugal partnership Between **Ramirez** and **Villafane**;  
**HERMINIO RAMOS FELICIANO**;  
**JACQUELINE RAMOS GONZALEZ** and **OSVALDO TORRES** and the conjugal partnership between **Ramos** and **Torres**;  
**SANDRA RAMOS RIVERA**;  
**GERARDO RIVERA MATEO**;  
**MARCOS RIVERA RUIZ** and **BRENDA GUZMAN** and the conjugal partnership Between **Rivera** and **Guzman**;  
**RAUL RIVERA SANTIAGO**;  
**RICHARD RIVERA RIVERA** and **ALICE ROSAS** and the conjugal partnership between **Rivera** and **Rosas**;  
**MICHAEL ROMAN** and **EVELYN HERNANDEZ JIMENEZ** and the conjugal partnership between **Roman** and **Hernandez**;  
**SHARON LIZ ROMAN**;  
**ANTHONY RODRIGUEZ VALENTIN** and **MINELIZ CALIZ** and the conjugal partnership between **Rodriguez** and **Caliz**;

**HECTOR RODRIGUEZ;**  
**WILLINGTON RODRIGUEZ LINARES;**  
**WILFREDO ROSADO GONZALEZ and**  
    **RUTH MARQUEZ and the conjugal partnership**  
    **between Rosado and Marquez;**  
**WILFREDO RODRIGUEZ MORALES and**  
    **CARMEN PELLOT and the conjugal**  
    **partnership between Rodriguez and Pellet;**  
**ROBERTO SAMALOT GONZALEZ and**  
    **MICHELLE RODRIGUEZ and the conjugal**  
    **partnership between Samalot and Rodriguez;**  
**MIGUEL SANTANA PAGAN and DEBORAH**  
    **ANGLEY and the conjugal partnership**  
    **between Santana and Langley;**  
**RAQUEL SANTIAGO CRESPO and ALVIN**  
    **PEREZ MEDINA and the conjugal partnership**  
    **Between Santiago and Perez;**  
**JESSICA SANTIAGO COLON and KEVIN**  
    **MACHADO and the conjugal partnership**  
    **Between Santiago and Machado**  
**RUBEN SANTIAGO TORO and GLADYS**  
    **GREGORY and the conjugal partnership**  
    **between Santiago and Gregory;**  
**EVELYN SANTIAGO RUIZ and FROILAN**  
    **RODRIGUEZ and the conjugal partnership**  
    **between Santiago and Rodriguez;**  
**RUTH SOTOMAYOR CLAVELL;**  
**LUIS TORREZ RUIZ;**  
**VANESSA TUA GONZALEZ and ALEX**  
    **MARTINEZ and the conjugal partnership**  
    **between Tua and Gonzalez;**  
**JUDITH VALENTIN MERCADO and**  
    **OSVALDO VARGAS and the conjugal**  
    **partnership between Valentin and Vargas;**  
**ROBERTO VARGAS SOTO and EVELISSE**  
    **MORALES and the conjugal partnership**  
    **between Vargas and Morales;**  
**ANA VELEZ CRUZ and JAVIER GONZALEZ**  
    **and the conjugal partnership between Velez and**  
    **Gonzalez;**  
**FELIPE VELEZ ROSADO and EVELYN**  
    **VELEZ and the conjugal partnership between**  
    **Velez and Velez;**  
**JOHN & JANE DOE and all employees**  
    **similarly situated.**  
**JOHN & JANE DOE**

**PLAINTIFFS.**

**VS.**

**CENTENNIAL COMMUNICATIONS CORP.;  
CENTENNIAL PUERTO RICO OPERATIONS  
CORP.; CENTENNIAL PUERTO RICO  
CABLE TV CORP.; PUERTO RICO CABLE  
ACQUISITION CORP.; HICKS MUSE TATE  
& FURST INC.; ABC CORP.; XYZ  
INSURANCE CORP.; JOHN & JANE DOE**

**DEFENDANTS.**

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**COMPLAINT**

TO THE HONORABLE COURT:

Come now the Plaintiffs, by and through their undersigned attorneys and respectfully request state, allege, and pray as follows:

**I. NATURE OF ACTION**

1.1 This is an action brought by Plaintiffs seeking compensation pursuant to the **Worker Adjustment And Retraining Notification Act** (WARN), as a result of an unreasonable, arbitrary and capricious policy, where the Defendants violated the WARN Act by terminating Plaintiffs, through a reduction-in-force without providing them the required 60-day notification in writing, *prior*, to terminating the Plaintiffs.

1.2 This action is brought forth to insure that the Defendants follow federal laws and regulations of the United States, thereby compensating the Plaintiffs for violating the statute in question.

## II. JURISDICTION AND VENUE

- 2.1 This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 in that the claims involve Federal question jurisdiction.
- 2.2 This Court has subject matter jurisdiction pursuant to 29 U.S.C. § 2101, *et. Seq.*
- 2.3 Venue is proper in the instant case as all claims arise from events that occurred within the jurisdiction of this Court in the Commonwealth of Puerto Rico.

## III. PARTIES TO THE ACTION

- 3.1 Plaintiffs were at one time or another, all employees of Centennial Puerto Rico Cable T.V. Corp. (hereinafter “CPRCTV”). Plaintiffs are all U.S. citizens and residents of the Commonwealth of Puerto Rico. The Plaintiffs are as follows:
  - A. Luis Adames Milan was a full time employee terminated early in the year 2005 by Defendants.
  - B. Gisella Alvarado was a part-time employee terminated early in the year 2005 by Defendants.
  - C. Miriam Alvarez Cortes was a full time employee terminated early in the year 2005 by Defendants.
  - D. Maria Molina is the spouse of Luis Adames Milan.
  - E. Sonia Baez Rivera was a part-time employee terminated early in the year 2005 by Defendants.
  - F. Carlos Almeyda Rivera was a full time employee terminated early in the year 2005 by Defendants.

- G. Lizzenid Cabassa Soto was a full time employee terminated early in the year 2005 by Defendants.
- H. Luis O. Cajigas Lopez was a part-time employee terminated early in the year 2005 by Defendants.
- I. Francis Cardona Lugo was a full time employee terminated early in the year 2005 by Defendants.
- J. Nancy Lopez is the spouse of Francis Cardona Lugo.
- K. Jose Colon Cruz was a full time employee terminated early in the year 2005 by Defendants.
- L. Abdias Cordero Rivera was a full time employee terminated early in the year 2005 by Defendants.
- M. Eliezer Cordero Ortiz was a full time employee terminated early in the year 2005 by Defendants.
- N. Loaisa Morales is the spouse of Eliezer Cordero Ortiz.
- O. Luis A Crespo Gerena was a full time employee terminated early in the year 2005 by Defendants.
- P. Sonia Chacon is the spouse of Luis A Crespo Gerena.
- Q. Allan Cruz Roman was a full time employee terminated early in the year 2005 by Defendants.
- R. Erica Cruz Rodriguez was a full time employee terminated early in the year 2005 by Defendants.
- S. Pedro Perez is the spouse of Erica Cruz Rodriguez.
- T. Jaime Cruz Perez was a full time employee terminated early in the year 2005

by Defendants.

U. Carmen Leon is the spouse of Jaime Cruz Perez.

V. Tomas Cruz Morales was a full time employee terminated early in the year 2005 by Defendants.

W. Carmen Cruz is the spouse of Tomas Cruz Morales.

X. Suzette Davis was a full time employee terminated early in the year 2005 by Defendants.

Y. Joel Valentin is the spouse of Suzette Davis.

Z. Robinson de la Cruz Lopez was a full time employee terminated early in the year 2005 by Defendants.

AA. Evelyn Nieves is the spouse of Robinson de la Cruz Lopez.

BB. Juan Diaz Gonzalez was a full time employee terminated early in the year 2005 by Defendants.

CC. Lorraine Domenech Delgado was full time employee terminated early in the year 2005 by Defendants.

DD. Lissette Cabrera is the spouse of Juan Diaz Gonzalez.

EE. Max Diaz Cardona was a full time employee terminated early in the year 2005 by Defendants.

FF. Glendaliz Galarza is the spouse of Max Diaz Cardona.

GG. Rosendo Espada was a full time employee terminated early in the year 2005 by Defendants.

HH. Amalia Feliciano Rabelo was a full time employee terminated early in the year 2005 by Defendants.

II. Anibal Lugo is the spouse of Amalia Feliciano Rabelo.

JJ. Hector Feliciano was a full time employee terminated early in the year 2005 by Defendants.

KK. Marisol Nieves is the spouse of Hector Feliciano.

LL. Yovandavid Ferrao was a full time employee terminated early in the year 2005 by Defendants.

MM. Carlos Figueroa Moya was a full time employee terminated early in the year 2005 by Defendants.

NN. Eliezer Fuentes was a full time employee terminated early in the year 2005 by Defendants.

OO. Marisol C. Acosta is the spouse of Eliezer Fuentes.

PP. Paolo Galera was a full time employee terminated early in the year 2005 by Defendants.

QQ. Pedro Garriga Torres was a full time employee terminated early in the year 2005 by Defendants.

RR. Idali Gomez Roman was a full time employee terminated early in the year 2005 by Defendants.

SS. Carmelo Suarez is the spouse of Idali Gomez Roman.

TT. Helena Gonzalez Valentin was a full time employee terminated early in the year 2005 by Defendants.

UU. Javier Gonzalez Echevarria was a full time employee terminated early in the year 2005 by Defendants.

VV. Ana Velez is the spouse of Javier Gonzalez Echevarria.

WW. Jose Gonzalez Rosario was a full time employee terminated early in the

year 2005 by Defendants.

XX. Jaime Gueits Ortiz was a full time employee terminated early in the year 2005 by Defendants.

YY. Billy Hernandez Lopez was a full time employee terminated early in the year 2005 by Defendants.

ZZ. Evelyn Hernandez was a full time employee terminated early in the year 2005 by Defendants.

AAA. Michael Roman is the spouse of Evelyn Hernandez.

BBB. Carmen Hernandez Nieves was a full time employee terminated early in the year 2005 by Defendants.

CCC. Edgar Hernandez was a full time employee terminated early in the year 2005 by Defendants.

DDD. Beatriz Hernandez is the spouse of Edgar Hernandez.

EEE. Pedro Hernandez Aviles was a full time employee terminated early in the year 2005 by Defendants.

FFF. Joy Laboy Cintron was a full time employee terminated early in the year 2005 by Defendants.

GGG. Irma Maldonado Torres was a full time employee terminated early in the year 2005 by Defendants.

HHH. Juan Garcia is the spouse Irma Maldonado Torres.

III. Ediberto Melendez Ortiz was a full time employee terminated early in the year 2005 by Defendants.

JJJ. Marisol Melendez was a full time employee terminated early in the year 2005

by Defendants.

KKK. Victor Vargas is the spouse of Marisol Melendez.

LLL. Conrado Mercado Vargas was a full time employee terminated early in the year 2005 by Defendants.

MMM. Noemi Torres Ronda is the spouse of Conrado Mercado Vargas.

NNN. Berta Nunez Rentas was a full time employee terminated early in the year 2005 by Defendants.

OOO. Luis Martinez is the spouse of Berta Nunez Rentas.

PPP. John Padin Garcia was a full time employee terminated early in the year 2005 by Defendants.

QQQ. Nydia Acevedo is the spouse of John Padin Garcia.

RRR. Miguel Pagan Quijano was a full time employee terminated early in the year 2005 by Defendants.

SSS. Marta Rivera is the spouse of Miguel Pagan Quijano.

TTT. Amador Perez Bocanegra was a full time employee terminated early in the year 2005 by Defendants.

UUU. Milagros Perez is the spouse of Amador Perez Bocanegra.

VVV. David Perez Rodriguez was a full time employee terminated early in the year 2005 by Defendants.

WWW. Mildred Sanchez is the spouse of David Perez Rodriguez.

XXX. Israel Perez Figueroa was a full time employee terminated early in the year 2005 by Defendants.

YYY. Sheyka Perez Baez was a full time employee terminated early in the year

2005 by Defendants.

ZZZ. Vicente Marrero was a full time employee terminated early in the year 2005 by Defendants.

AAAA. Jose L. Martinez was a full time employee terminated early in the year 2005 by Defendants.

BBBB. Marisbelle Gonzalez is the spouse of Jose L. Martinez.

CCCC. Marian Quinones Melendez was a full time employee terminated early in the year 2005 by Defendants.

DDDD. Carlos Ramirez Castro was a full time employee terminated early in the year 2005 by Defendants.

EEEE. Lisbel Villafane is the spouse of Carlos Ramirez Castro.

FFFF. Herminio Ramos Feliciano was a full time employee terminated early in the year 2005 by Defendants.

GGGG. Jacqueline Ramos Gonzalez was a full time employee terminated early in the year 2005 by Defendants.

HHHH. Osvaldo Torres is the spouse of Jacqueline Ramos Gonzalez.

III. Sandra Ramos Rivera was a full time employee terminated early in the year 2005 by Defendants.

JJJJ. Gerardo Rivera Mateo was a full time employee terminated early in the year 2005 by Defendants.

KKKK. Marcos Rivera Ruiz was a full time employee terminated early in the year 2005 by Defendants.

LLLL. Brenda Guzman is the spouse of Marcos Rivera Ruiz.

MMMM. Raul Rivera Santiago was a full time employee terminated early in the year 2005 by Defendants.

NNNN. Richard Rivera Rivera was a full time employee terminated early in the year 2005 by Defendants.

OOOO. Alice Rosas is the spouse of Richard Rivera Rivera.

PPPP. Michael Roman was a full time employee terminated early in the year 2005 by Defendants.

QQQQ. Evelyn Hernandez Jimenez is the spouse of Michael Roman.

RRRR. Sharon Liz Roman was a part-time employee terminated early in the year 2005 by Defendants.

SSSS. Anthony Rodriguez Valentin was a full time employee terminated early in the year 2005 by Defendants.

TTTT. Mineliz Caliz is the spouse of Anthony Rodriguez Valentin.

UUUU. Hector Rodriguez was a part-time employee terminated early in the year 2005 by Defendants.

VVVV. Willington Rodriguez Linares was a full time employee terminated early in the year 2005 by Defendants.

WWWW. Wilfredo Rosado Gonzalez was a full time employee terminated early in the year 2005 by Defendants.

XXXX. Ruth Marquez is the spouse of Wilfredo Rosado Gonzalez.

YYYY. Wilfredo Rodriguez Morales was a full time employee terminated early in the year 2005 by Defendants.

ZZZZ. Carmen Pelot is the spouse of Wilfredo Rodriguez Morales.

AAAAA. Roberto Samalot Gonzalez was a full time employee terminated early in the year 2005 by Defendants.

BBBBB. Michelle Rodriguez is the spouse of Roberto Samalot Gonzalez.

CCCCC. Miguel Santana Pagan was a full time employee terminated early in the year 2005 by Defendants.

DDDDD. Deborah Langley is the spouse of Miguel Santana Pagan.

EEEEEE. Raquel Santiago Crespo was a full time employee terminated early in the year 2005 by Defendants.

FFFFF. Alvin Perez Medina is the spouse Raquel Santiago Crespo.

GGGGG. Jessica Santiago Colon was a part-time employee terminated early in the year 2005 by Defendants.

HHHHH. Kevin Machado is the spouse of Jessica Santiago Colon.

IIIII. Ruben Santiago Toro was a full time employee terminated early in the year 2005 by Defendants.

JJJJJ. Gladys Gregory is the spouse of Ruben Santiago Toro.

KKKKK. Evelyn Santiago Ruiz was a par-time employee terminated early in the year 2005 by Defendants.

LLLLL. Froilan Rodriguez is the spouse of Evelyn Santiago Ruiz.

MMMMM. Ruth Sotomayor Clavell was a full time employee terminated early in the year 2005 by Defendants.

NNNNN. Vanessa Tua Gonzalez was a full time employee terminated early in the year 2005 by Defendants.

OOOOO. Alex Martinez is the spouse of Vanessa Tua Gonzalez.

PPPPP. Luis Torres Ruiz was a full time employee terminated early in the year 2005 by Defendants.

QQQQQ. Judith Valentin Mercado was a full time employee terminated early in the year 2005 by Defendants.

RRRRR. Osvaldo Vargas is the spouse of Judith Valentin Mercado.

SSSSS. Roberto Vargas Soto was a full time employee terminated early in the year 2005 by Defendants.

TTTTT. Evelisse Morales is the spouse of Roberto Vargas Soto.

UUUUU. Ana Velez Cruz was a full time employee terminated early in the year 2005 by Defendants.

VVVVV. Javier Gonzalez is the spouse of Ana Velez Cruz.

WWWWW. Felipe Velez Rosado was a full time employee terminated early in the year 2005 by Defendants.

XXXXX. Evelyn Velez is the spouse of Felipe Velez Rosado.

YYYYY. Dalixa Hernandez Valentin was a full time employee terminated early in the year 2005 by Defendants.

3.2 Centennial Communications Corp. (hereinafter “CCC”) is a corporation with its main offices located in Wall, New Jersey. CCC was the parent company of Defendant CPRCTV.

3.3 Centennial Puerto Rico Operations Corp. is a corporation identified by the Defendants in this action as a party-in-interest involved in the acquisition of CPRCTV.

3.4 Centennial Puerto Rico Cable TV Corp. is foreign corporation registered with the Commonwealth of Puerto Rico State Department.

3.5 Puerto Rico Cable Acquisition Corp. is a corporation identified by the Defendants in this action as a party-in-interest involved in the acquisition of CPRCTV.

3.6 Hicks, Muse, Tate & Furst Inc. (hereinafter "HMTF") is a company located in Dallas, Texas, involved in the purchase/acquisition of CPRCTV.

3.7 Defendants John Doe, Jane Doe, et al: are those individuals as yet unknown, who, together with the named Defendants participated in or acted in concert to carry out the acts complained of herein.

3.8 Insurance agencies A, B, and C are companies which may be providing insurance to the above Defendants which may cover their liability for the violation of the Plaintiffs Federally protected rights, and whose names are heretofore unknown.

#### IV. FACTS COMMON TO ALL CAUSES OF ACTION

4.1 CCC is a corporation engaged, among other things, in the cable television service industry.

4.2 CCC was the parent company of Defendant CPRCTV. As such, prior to the sale/divestiture/acquisition of CPRCTV, CCC owned either fully or in part CPRCTV.

4.3 CPRCTV is registered as a foreign corporation to do business in the Commonwealth of Puerto Rico involved, among other things, in the Cable TV business in parts of Puerto Rico. CPRCTV provides cable TV service to about 73,000 customers and high speed internet service to about 5,000 customers.

4.4 As of January 18, 2005, CPRCTV had an employee headcount of 228 employees.

#### **Exhibit 1.**

4.5 CPRCTV coverage area comprises the southern and western regions of Puerto Rico.

4.6 In late 2004 or early 2005 CCC sold CPRCTV. HMTF, the purchaser of CPRCTV paid approximately \$155 million for such acquisition. Such acquisition/sale was effectuated or carried out through Centennial Puerto Rico Operations Corp. and/or Puerto Rico Cable Acquisition Corp.

4.7 Prior to January 18, 2005, the Plaintiffs remained as employees of CPRCTV.

4.8 Prior to January 18, 2005, the Plaintiffs remained as employees of Centennial Communications Corp.

4.9 Prior to January 18, 2005, the Plaintiffs remained as employees of Centennial Puerto Rico Cable TV Corp.

4.10 Prior to January 18, 2005, the Plaintiffs remained as employees of Puerto Rico Cable Acquisition Corp.

4.11 Prior to January 18, 2005, the Plaintiffs remained as employees Hicks, Muse, Tate & Furst Inc.

4.12 Prior to January 18, 2005, Defendants informed Plaintiffs that they would be attending a company conference in the Ponce Hilton to be held on January 18, 2005.

4.13 On January 18, 2005, the Defendants arranged to have the Plaintiffs transported from the CPRCTV offices, to the Ponce Hilton to attend a purported corporate conference. Such conference was attended by Defendants representatives, namely Mr. Edwin Stevenson on behalf of Puerto Rico Cable Acquisition Corp., Peter Kahelin on behalf of the new owners, namely HMTF, and Ms. Angelica Miranda the Defendants Human Resources Director.

4.14 Present in the January 18, 2005, conference were also personnel from various government agencies from the Commonwealth of Puerto Rico such as the the Health Insurance Administration (Administración de Seguros de Salud or “ASES” in Spanish), the Child Support Administration (Administración para el Sustento de Menores or “ASUME” in Spanish), and the Municipal Consortium of the Southern and Western Regions. In addition, the Department of Labor and Human Resources (hereinafter “DOL”) was represented by Domingo Chicon , Chief of the Legal Division of the DOL.

4.15 During such conference, Ms. Angelica Miranda the Defendants Human Resources Director informed the Plaintiffs that they were being “laid-off.” During the 18 January 05 conference, the DOL attorney, Mr. Chacon, informed the Plaintiffs that they were fired, however.

4.16 Of the total 228 employees at the Defendants place of employment, 85 employees were affected by the reduction-in-force. Of these 85 affected employees three were part-time leaving a total of the 36 percent of the Defendants labor force impacted by reduction-in-force.

4.17 After being informed that they had been summarily fired without prior notice, Defendants instructed the Plaintiffs to return immediately and on the spot items such as company keys, identification card, and other property in the Plaintiffs custody, to the Defendants personnel there present.

4.18 None of the above named Plaintiffs were separated from their employment for cause.

4.19 As of January 18, 2005, the Defendants employed 100 or more employees, excluding part-time employees.

4.20 The reduction-in-force carried out by the Defendants affected at least 50 or more employees.

4.21 The reduction-in-force carried out by the Defendants has lasted over 30 days.

4.22 As of January 18, 2005, the Defendants employed 100 or more employees who in the aggregate worked at least 4,000 hours per week (exclusive of hours of overtime).

4.23 Prior to, or after January 18, 2005, the Defendants never shut down its operations. Thus, the termination of the Plaintiffs by the Defendants was not the result of a plant closing.

4.24 The separated Plaintiffs were all employees of Defendants. Such personnel action was a permanent separation, thus exceeding a 30-day period.

4.25 The Defendants had a headcount of 228 employees as of January 18, 2005, the day the Plaintiffs were terminated. See, Exhibit 1. As a result of the sale/purchase/acquisition of CPRCTV by and between the Defendants, at least 85 employees were permanently separated from their employment. Such numbers is greater than 33 percent of the employees (excluding any part-time employees). 29 U.S.C. § 2101(a)(3).

4.26 At no time, prior to January 18, 2005, did the Defendants inform the Plaintiff of their intent to separate them from their employment. The Defendants were under an obligation to provide ALL of the affected employees – the Plaintiffs – of their intent to separate them 60 days **prior** to engaging in such personnel action. 29 U.S.C. § 2102.

4.27 Upon being terminated by the Defendants, the Plaintiffs sought the advice and the assistance of counsel. Thereafter, once the undersigned attorneys met, collectively, with the Plaintiffs and were advised to proceed with the instant civil action, some of the Plaintiffs began receiving death threats. The day after counsels met collectively with the Plaintiffs, one of them was threatened with the following: “stop having these little meetings or you will be found with

flies in your mouth.” Such action caused the Plaintiff to file a complaint with the Puerto Rico Police Department, Cabo Rojo field office (Complaint No. Q-2005-5-012-1580). **Exhibit 2.**

4.28 Two days after the meeting between the Plaintiffs and the undersigned counsels took place, a second Plaintiff was also threatened informing him that he would also be found with “flies in his mouth.” Such action caused the second Plaintiff to file a complaint with the Puerto Rico Police Department, Aguada precinct (Complaint No. 2005-10-002-01624).

4.29 Thereafter, both threatened Plaintiffs filed complaints with the Commonwealth of Puerto Rico Department of Justice, Mayaguez Office, regarding the above-mentioned death threats, resulting from their participation in legally protected activities, namely, contacting and seeking the advice of counsel for the purposes of filing a civil action in U.S. District Court.

## V. FIRST CAUSE OF ACTION

5.1 The Plaintiffs reproduce and reaffirm as if alleged herein each and every one of the preceding allegations.

5.2 The Defendants actions and omissions have been taken under color of authority; such actions are illegal, unlawful and constitute a violation of the laws of United States of America; specifically the WARN Act. 29 U.S.C. § 2101, *et. seq.*

5.3 By virtue of the Plaintiffs having been the subject of a mass termination, without cause, triggered on the part of the Defendants the requirement to issue a 60-day notice prior to partaking in such personnel action, namely the mass firing of the Plaintiffs. Such action – the firing – entitles the Plaintiffs to damages in the form of back-pay for the 60-day period with corresponding benefits such as Social Security contributions and the like, given the Defendants failure to comply with the mandated notification prior to the mass firing. 29 U.S.C. § 2102.

5.4 The unlawful and oppressive acts engaged in by Defendant as set forth above have caused, are causing, and will continue to cause injury and damages to the Plaintiffs. All of said acts violate the rights guaranteed to Plaintiff under the laws and the Constitution of the United States of America.

5.5 The Plaintiffs request that the Court award any other damages permitted by law.

## VI. SECOND CAUSE OF ACTION

6.1 The Plaintiffs reproduce and reaffirm as if alleged herein each and every one of the preceding allegations.

6.2 The Plaintiffs request benefits under the Defendants employee benefit plan described in section 3(3) of the Employee Retirement Income Security Act of 1974, including the cost of medical expenses incurred during the employment loss which would have been covered under an employee benefit plan if the employment loss had not occurred. 29 U.S.C. § 2104(a)(1)(B); 29 U.S.C. § 1002(3).

6.3 The Plaintiffs request that the Court award any other damages permitted by law.

## VII. PREJUDGEMENT INTEREST, ATTORNEY FEES AND COSTS

7.1 The Plaintiffs reproduce and reaffirm as if alleged herein each and every one of the preceding allegations.

7.2 The Defendants have violated Federal law in this matter, and as such are liable to the Plaintiffs for any pre-judgment interest and attorney fees as permitted by law. 29 U.S.C. § 2104.

WHEREFORE, it is respectfully requested that this Court find in favor of the Plaintiffs and against the Defendants and that they be ordered to compensate them in the form of back-pay with corresponding benefits as detailed in the Complaint. In addition it is requested that the Plaintiffs be awarded pre-judgment interest, cost and reasonable attorney fees and that this Honorable Court grant the Plaintiffs such further relief as is just and proper.

In San Juan, Puerto Rico this 6<sup>th</sup> day of April of 2005.

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